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| 10/773,971 | 02/06/2004 | John Patrick Goodall | 9520 | 7337 |

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| EXAMINER |
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BUI, LUAN KIM

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| ART UNIT | PAPER NUMBER |
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3728

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12/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,971

Applicant(s)

GOODALL ET AL.

Examiner

Luan K. Bui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 22, 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Continued Prosecution Application

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/29/2007 has been entered.

2. Newly submitted claim 21 is directed to the embodiment of Figure 2 which is nonelected without traverse (see the response filed on 8/22/2006). Accordingly, claim 21 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species without traverse.

Specification

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description

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should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

4. The specification is objected to under 37 CFR 1.71, as the specification, as originally filed, does not provide support for the new matter as now claimed. The specification as filed does not provide support for “the at least one roll-support adapter is disposed in a cleft area between the at least one roll” as in claim 1, because the specification only discloses “the roll-support adapter 140 may be disposed in the cleft area between multiple rolls 120” (see page 5, lines 13-21 of the instant specification). Since claim 1 recites “at least one roll” which is considered equivalent to one roll and the one roll does not defines a cleft area.

5. Claims 1-6 and 8-10 are rejected under 35 USC 112, first paragraph, for the reasons set forth in the objection to the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6, 8-11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linick (3,834,636) or Mitchell et al. (5,464,170; hereinafter Mitchell'170) in view of The Great Britain Patent Number 2 380 178 to Lomas et al. (hereinafter Lomas'178) or Kessler (6,227,360). To the extent that the Examiner can determine the scope of the claims, Linick discloses an

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apparatus comprising at least one roll of a convolutedly wound web material (T) and at least one roll support adapter (13-15) capable of supporting the roll and capable of interfacing with a roll holding fixture (10, W) having a first single roll capacity. The combination of the roll support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity (abstract). Mitchell'170 discloses an apparatus comprising at least one roll of a convolutedly wound web material (74) and at least one roll support adapter (10) capable of supporting the roll and capable of interfacing with a roll holding fixture having a first single roll capacity. The combination of the roll support adapter and the roll holding fixture has a single roll capacity greater than the first single roll capacity (abstract). Linick or Mitchell'170 discloses the other limitations of the claims except for a package comprises the at least one roll of the convolutedly wound web material and the at least one roll-support adapter and the at least one roll support adapter being disposed in a cleft area between the at least one roll of the convolutedly wound web material.

Lomas'178 teaches a packaging system comprising a plurality of rolls of a convolutedly wound web material (4-6) and a container (1-3) for holding a free gift or any other item to aid in promoting the sale of the wound web material. Lomas'178 further teaches the container may be disposed either in a hollow core (6) of the roll or in a cleft area (7) formed between the plurality of rolls (see abstract). Kessler shows a package (10) comprising a series of label rolls (11) and an ink roll container (13) disposed within a hollow core (15, 16) of the rolls. It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Lomas'178 or Kessler to modify the apparatus of Linick or Mitchell'170 so it comprises a package for holding the at least one roll of the convolutedly wound web material or a plurality of

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rolls of the convolutedly wound web material and the at least one roll-support adapter to aid in promoting the sale of the wound web material because it is old and conventional of providing a package for holding either at least one roll of a convolutedly wound web material or at least one roll support adapter capable of supporting the roll for sale.

As to claims 1 and 6, the selection of the specific location of the at least one roll support adapter such as the at least one roll support adapter disposed in the cleft area or in a hollow core of the roll as taught by Lomas'178.

As to claim 22, Lomas'178 teaches that the rolls wrapped in a package with the container disposed within the hollow core or in the cleft area of the rolls which is considered equivalent to the adapter container is unitized by over wrapping the adapter container and the package as claimed.

As to claims 10-11, Lomas'178 teaches at least one component of the package includes an indicia (page 1, second paragraph).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Spector (2,678,129). The apparatus of Linick or Mitchell'170 as modified comprises a package includes the at least one roll of convolutedly wound web material, the at least one roll support adapter and an adapter container. To the extent that the package of Linick or Mitchell'170 fails to show the adapter container being adhesively affixed to the package, Spector shows a package of floor covering (10-14) and a container (32) is adhesively affixed to the package (Figures 3-5). It would have been obvious to one having ordinary skill in the art in view of Spector to modify the package of Linick or Mitchell'170 as

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modified so the adapter container is adhesively affixed to the package for better securing the container within the package.

Response to Arguments

Applicant's arguments filed on 11/29/2007 have been fully considered but they are not deemed to be persuasive for the reasons as set forth above.

Applicant's argument with respect to the commercial success of the invention as based on the Declaration filed on 10/25/2007 is noted. This is not persuasive for the reason as set forth in the previous Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
December 7, 2007

/Luan K. Bui/
Primary Examiner
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